

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) 03 MDL No. 1570 (RCC)
) ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

**DECLARATION OF ALAN R. KABAT
IN SUPPORT OF DEFENDANT SHEIKH SALEH AL-HUSSAYEN'S
MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Katz PLLC, counsel to Saleh Al-Hussayen. I submit this declaration to transmit to the Court the following documents submitted in support of Mr. Al-Hussayen's motion to dismiss (Apr. 8, 2004) and his reply brief submitted in support of his motion to dismiss (July 23, 2004):

1. Exhibit 1 to Mr. Al-Hussayen's motion to dismiss is a copy of the Declaration of Sheikh Saleh Al Hussayen (March 30, 2004).

2. Exhibit 2 to Mr. Al-Hussayen's motion to dismiss is a copy of P. Mendenhall, "Seeking bin Laden in the Classifieds," MSNBC, online at <http://www.msnbc.msn.com/id/3340393> (Oct. 24, 2003).

3. Exhibit 1 to Mr. Al-Hussayen's reply brief is a copy of "Plaintiffs' Motion for Extension of Time for Service of Process and for Leave to Serve Certain Listed Defendants by Publication Pursuant to Federal Rule 4(f)" (Mar. 24, 2003), as filed with the U.S. District Court for the District of Columbia in Burnett v. Al Baraka Inv. & Dev. Corp., C.A. No. 02-CV-1616

(JR) (*Burnett* D.D.C. Docket No. 95).

4. Exhibit 2 to Mr. Al-Hussayen's reply brief is a copy of Process Server Network, "International," online at <http://www.processnet1.com/internat.htm> (last modified Feb. 10, 2004).

5. Exhibit 3 to Mr. Al-Hussayen's reply brief is a copy of Process Server Network, "Saudi Arabia," online at http://www.processnet1.com/saudi_arabia.htm (last modified Mar. 8, 2004).

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on July 23, 2004.

/s/ Alan R. Kabat

ALAN R. KABAT